

INFORMATION REPORT INFORMATION REPORT

CENTRAL INTELLIGENCE AGENCY

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COUNTRY Poland

REPORT

SUBJECT Polish Judicature

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report on the Polish judicature. The report includes information on the organization and duties of the Polish Prosecution Authority; the duties of the Special Commission (Komisja Specjalna) for combatting profiteering and corruption; the treatment of prisoners by the security organs; and various personalities in the judicial system.

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1. The Ministry of Justice was established in 1944 with the formation of the Lublin Government. During the first few years of its existence, its authority and scope of operations were rather limited, since the entire judicature was under military control. Up to 1949, civilian courts had jurisdiction only over general criminal offenses and over cases arising out of collaboration with the Nazis. A special commission (komisja specjalna) had been established in 1945, however, to countervail the little trusted Prosecution Authority. At the time, the Prosecution Authority was under the Ministry of Justice and had retained

SECRET

25X1

7

SECRET

25X1

Page 2

its prewar staff of persons loyal to the prewar regime. It was the commission's task to combat black-marketeering and corruption and, to invest the commission with authority, Politburo member Roman Zambrowski was appointed its chairman. Its directors, for all practical purposes, were Dr. Jasinski (fnu), and Kalinowski (fnu). The commission had branch offices in every voivodship town; in the Wroclaw Voivodship it maintained district branch offices as well. Though an independent body, it worked in conjunction with the security forces and dealt exclusively with profiteering and corruption. That the staff of the commission was derived from the lower classes of the population proved a detriment to its work, since its officials could not resist the temptation of accepting bribes. Complex personnel problems resulted when it became an easy task to "buy off" the commission's staff. The commission was authorized to punish offenders by the imposition of heavy fines and sentences up to two years of forced labor. No consideration was made, however, of the period of arrest prior to trial and, in many instances, fines were converted to jail sentences. The

SECRET

25X1

SECRET

Page 3

- period spent in prison, therefore, greatly exceeded the maximum two-year sentence which the commission was authorized to impose. The commission existed in this form until 1950.
2. In 1950, Polish judicature underwent a reorganization. The Prosecution Authority was separated from the Ministry and established as an independent institution. Transferred to the new Prosecution Authority were the special commission's rights of interrogation. The remaining authority of the commission - that of confiscating property and of imposing forced labor sentences and fines - became subject to recommendation, in each individual case, by the Prosecution Authority. This represented a further debacle of the commission and, in 1954, it was officially abolished.
3. The years 1950 to 1955 were characterized by extreme juridical abuse by the security and Party organizations and, through their intervention in the administration of justice, ^{they} were successful in subordinating the judicial system directly to them. Without court order, the security organs carried out investigations of current anti-Government activities, such as those of the Home

SECRET

25X1

SECRET

25X1

Page 4

Army, and of activities connected with prewar political elements. The new judges and court presidents who were appointed during this period, moreover, were completely devoid of legal training and experience, the only criteria for their appointment being their loyalty to the Party line and their readiness to obey orders.

4. It sometimes took years for the families of prisoners to ascertain the prisoners' place of detention. When arrested - and even during interrogation - the prisoner himself was not informed of the nature of the charge against him. The security officers usually attempted to induce the prisoner to confess to actions which he himself considered justification for arrest. The prisoner was coerced through blackmail, beatings, and promises, to put down in writing his curriculum vita, including his past thoughts, and to enumerate his own assumptions of the reasons for his arrest and interrogation. In cases in which the security services or the Party had a special interest, pressure was exerted upon the court supervision department of the Ministry of Justice - which in turn influenced the judge

SECRET

25X1

SECRET

Page 5

and the court president - to guarantee against any unexpected turn in the trial. In all cases where the interrogation of the accused was conducted by the security services, the heaviest sentences were imposed, i.e. either death or life imprisonment.

5. The organization of the Polish Prosecution Authority is much like the general administrative setup of the country, with the seat of the Prosecutor General's Office in Warsaw and branch offices in the voivodships and districts. The Prosecutor General's Office consists of the following:
 - a. General Supervision Department (Departament Nadzoru Ogolnego), which reviews the legal aspects of governmental administration and the executive. The department has a complaint office to which citizens may address their grievances against the government offices.
 - b. Investigation Department (Departament Sledczy), which supervises the interrogation of defendants following their preliminary questioning by the

SECRET

25X1

SECRET

Page 6

- Militia. In some cases, the prosecutor also directs the preliminary questioning. A member of this department represents the Prosecutor General in connection with the interrogation of defendants before the Supreme Court.
- c. Courts Department (Departament Sadowy), which is in charge of the prosecutors who appear in court.
 - d. Department for the Execution of Sentences (Departament Wykonania Kary), which supervises the execution of sentences. It is also authorized to suspend prison sentences, to release prisoners before completion of the sentence, and to recommend pardons. The department has a pardoning office.
 - e. Personnel Department (Departament Kadrow).
 - f. Administrative Department (Departament Administracyjny).

SECRET

25X1

SECRET

Page 7

- g. Presidential Department (Departament Prezydjalny) which, in effect, is the prosecutor general's office.
6. Originally, district and voivodship prosecutors had to be Party members and, until 1956, candidates for the post of district prosecutors had to be approved by the voivodship Party committee, while voivodship prosecutors were appointed directly by the Party Central Committee. Since October 1956, however, Party membership has not been a requisite, but the Party, through its behind-the-scenes maneuvering, has nonetheless continued to influence the appointments. District and voivodship Party secretaries continue to take an active interest in the work of the prosecutors, although open interference on their part has become a thing of the past.
7. According to Polish law, the prosecutor is responsible for the administration of justice to the letter and spirit of the law. He is entitled to test the legal validity of any administrative directive and to oppose its enactment if he deems it contrary to existing law. The prosecutor also has the duty to fight

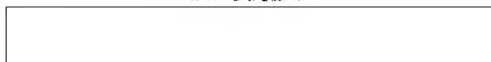
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25X1

SECRET

Page 8

- crime and to order arrests, and he may have a suspect arrested for a period of up to six months without court order. In early 1957, a bill was being prepared to enable a detained person to summon the prosecutor before the Supreme Court to account for his prolonged arrest during investigation. The prosecutor can also intervene in civil cases, such as those regarding alimony and property claims. In the interrogation of suspects and the collection of evidence, the prosecution is assisted by the Militia which, in fact, serves the prosecution as an instrument for the eradication of crime. The link with the Militia, which is subordinate to the Ministry of Internal Affairs (MSW), is the only existing connection between the prosecution and that Ministry.
8. Hardly any political cases have been brought before the court since October 1956. Espionage is tried by the military courts and administrative retribution simply does not exist. In early 1957, the Codification Commission (Komisja Kodyfikacyjna) was preparing a proposal for the establishment of administrative courts where citizens will be able to appeal the decisions taken by administrative organs. Formally, the courts are now independent bodies

SECRET

25X1

SECRET

Page 9

which recognize no authority but their own. While they enjoy practically no interference in court procedure, at the same time there are no effective safeguards against interference.

9. The following persons are reported:

- a. Wacław Barcikowski, President of the Supreme Court for eleven years until October 1956.

25X1

- b. Jan Bednarzak, Director of the Courts Department of the Prosecution Authority since late 1956,

25X1

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25X1

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Page 10

- c. Andrzej Burda, Prosecutor General since
October 1956 (succeeding Rybicki),

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- d. Henryk Chmielewski, Director of the Department of Administrative Punishment at the
Ministry of Internal Affairs since October
1956,

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25X1

SECRET

Page 11

25X1

- e. Michal Chigrin, a departmental director at the Prosecutor General's Office since October 1956

25X1

- f. Henryk Galski, a private lawyer and an official of the Polish Socialist Party (PPS),

25X1

SECRET

25X1

SECRET

Page 12

- g. Maurycy Grudzinski, Director of the Section
for the Supervision of Courts at the Ministry
of Justice since October 1956.

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- h. Kazimierz Kaszkirko, Deputy Prosecutor
General since mid-1956,

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- i. Kazimierz Kukawka, Director of the Department
for the Execution of Sentences at the Prosecutor
General's Office since late 1956,

25X1

SECRET

25X1

SECRET

25X1

Page 13

- j. Tomasz Majewski, a member of the staff of the
General Prosecution since 1946,

25X1

- k. Marian Mazur, Deputy Prosecutor General since
1956,

25X1

- l. Opuszyński (fm), Chairman of the Criminal
Section of the Supreme Court since early 1958.

25X1

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25X1

SECRET

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Page 14

- m. Bronislawa Pazinska (female), former director of a section of the Special Commission for combatting profiteering and corruption (until 1954)

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- n. Struminski (fmu), Chairman of the Government Price Commission since 1955

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- o. Boleslaw Walawski, a private lawyer who was formerly acting deputy director of the Special Commission for combatting profiteering and corruption.

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- p. Jan Wasilewski, Deputy Prosecutor General since mid-1956

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